

Appn. No. 10/014,308

Filing Date: November 13, 2001

AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION

REMARKS

Claims 1 through 12, 15 through 18, 20 through 17, and 31 remain in this application. Claims 14, 19, 28 through 30, and 32 through 33 have been cancelled. No claims have been withdrawn or added.

Considering the matters raised in the Office Action in the same order as raised, claims 1, 2, 5, 8-13, 15, 17-19 and 30 have been rejected under 35 USC 102(e) as being "anticipated by" the previously cited Gettemy reference. This rejection is respectfully traversed although independent claims 1 and 13 have been amended to include the subject matter of claims 32 and 33, respectively, and thus claims 1 and 13 each now recites that the claimed "highly probable solution for correcting the fault condition" is "capable of completely eliminating the fault condition."

Turning first to claim 1, it is agreed that "Gettemy teaches, in column 2, lines 15-20, detecting when the battery falls below a certain predefined threshold" and that "Gettemy teaches, in column 2, lines 15-25, providing a message that allows the user to change the display to prolong battery life." However, while it is also agreed that a message is provided on the display screen which "allows the user to change the display to prolong battery life," it is respectfully submitted that this message does not provide a solution to correct the underlying fault and certainly not a solution that is capable of completely eliminating the fault condition, as now claimed. In this regard, such a solution would be, e.g., to change the battery or provide charging thereof, while merely changing the display simply prolongs the problem of having a weak battery.

The Examiner has now also argued that Gettemy discloses "plugging a device into a dock/charger" (citing "column 1, lines 46-51, column 6, lines 16-24, and column 9, lines 18-24, and figure 4"). However, while lines 46-51 of column 1 do include a general reference to a user being given a "message indicating that a recharge or replacement is needed and should be done right away" and the passage from column 9 (discussed below) is similar, the other lines and the figure cited do not appear to disclose what the Examiner states. Moreover, even if a "dock/charger" was shown or was otherwise physically provided for, this would not meet the

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terms of the claims. Further, contrary to what the Examiner appears to be implying, there is simply no teaching in Gettemy of a message stating the device should be "plugged into a dock/charger."

Further, there is clearly no teaching in Gettemy of the provision of a further graphical depiction which illustrates a further solution if the highly probable solution does not work. The Examiner has previously referred to lines 15-36 of column 2, and stated that "if the user however doesn't choose to take this solution the device can automatically make the change for the user if it reaches a lower critical level (see column 7, lines 38-47), further Gettemy teaches, in column 9, lines 18-24, the system having an additional battery warning system that provides the user with a critically low battery warning (indicating that it is past the displayed change solution and it is now time to charge)." The Examiner makes a similar argument in the Response to Arguments section and, in particular, states that "Gettemy further teaches ... that if the display is already in the monochrome mode and the battery energy level still falls below the critical level, then a critically low battery warning is provided to the user (telling them they need to charge)." The Examiner concludes that the "Gettemy system provides the user with the initial solution that will hopefully prolong the battery life long enough, but should it not suffice a further indication of the need to charge is provided."

It is respectfully submitted that these arguments are not well taken. First, with respect to the provision in Gettemy wherein an electronic device automatically changes to a low power display if the user has not yet made a low power selection when the battery level reaches a critical low level, this is clearly not the determination of a further solution. In this regard, the "solution" provided is exactly the same as the previous "solution" (changing to a lower battery level) but is simply performed automatically. Moreover, there is clearly no provision in Gettemy of a further graphical depiction which illustrates the further solution. Further, the "first solution" in Gettemy is not one which is capable of completely eliminating the fault condition.

With respect to the passage at column 9, it is first noted that the disclosure here is in the context of an introductory statement that "process 400 does not replace any other battery life warning processes that may also reside within device 100" and appears to refer to a simply conventional "low battery" indication. Further, with respect to the statement on which the

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Examiner relies here, i.e., the statement that "if the device 100 is in monochrome display mode and the battery level of device 100 falls below the critical level, a critically low battery warning may be given to the user," it is respectfully submitted that this is not a disclosure of a further solution for correcting the fault condition. In this regard, a mere warning is not a solution, and, moreover, there is no disclosure in Gettemy that a further graphical depiction is provided which illustrates the further "solution." In addition, as indicated above, the disclosure here in Gettemy is that the warning is something different from, and apart from, the process 400 and something that occurs when the display is already in the monochrome display mode.

In addition to the points discussed above, it is noted that the Gettemy system may be in the monochrome display mode throughout so that what the Examiner regards as the first "solution" may never be displayed. Moreover, and more importantly, it is clear that switching to the monochrome display mode is simply a temporary fix and is not "a highly probable solution" for "completely eliminating the fault condition." In this regard, changing the batteries or charging the batteries is the highly probable solution for correcting the fault condition and even if the Examiner is correct in his position regarding the battery warning (and applicant strongly disagrees with this position as set forth above), the warning, to the extent that it suggests the "solution" to which the Examiner refers, i.e., changing or charging the batteries, and to the extent that this warning is not simply a mechanical buzzer or the like but is actually a graphical representation of the "solution" (something that is not disclosed by Gettemy), it is this "solution" that is the "highly probable solution" rather than the "first solution" of switching to a monochrome display mode. Thus, the sequence in Gettemy is clearly different from that claimed.

It is respectfully submitted that the Examiner has not addressed the issue of sequence and that the argument made with respect to completely eliminating the fault condition is not well taken. In the latter regard, the Examiner states that Gettemy teaches that "the switching to monochrome solution being a solution to a problem, where this maintains battery power until the battery energy returns to normal levels, and the color mode can be reentered automatically" and that "[a]s with any problem a cause can reoccur causing the system to relapse." Switching to

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monochrome is simply not a solution that completely eliminates the fault condition in this example (in contrast to changing or recharging the battery).

Thus, it is respectfully submitted that there is simply no disclosure in Gettemy of determining a solution for correcting the fault condition wherein this determining step comprises first determining a highly probable solution for correcting the fault condition which is capable of completely eliminating the fault condition and providing a first graphical depiction which illustrates the highly probable solution and, if the highly probable solution does not correct the fault condition, determining a further solution for correcting the fault condition and providing a further graphical depiction which illustrates the further solution. Thus, in summary, for all the reasons discussed above, it is respectfully submitted that claim 1 patentably defines over the Gettemy reference.

Similar remarks apply to independent claim 13, which has been amended to include limitations similar to those of claim 1 and is thus patentable for similar reasons to those discussed previously.

Turning to claim 8, it is respectfully submitted that the Gettemy patent does not disclose the subject matter of this claim. In the Response to Arguments section, the Examiner has contended that "Gettemy teaches, In column 2, lines 15-25 and in figures 7-9, providing a message, on the display screen, that allows the user to change the display to prolong battery life, the functions the user is capable of performing are to <place in monochrome display mode> or <maintain display in color mode>." The Examiner states that this "provides the user, should the battery be detected to be low enough, with a help routine to place the display in a state that prolongs battery life." It is respectfully submitted that these teachings are not a disclosure of the subject matter of claim 8.

Claim 8 recites providing a help routine wherein the help routine includes a list of functions an apparatus capable of performing in response to activation by a user, receiving from a user a selection of a particular function, and displaying a graphical depiction of at least one step for activating the particular function selected by the user on a display device of the apparatus. The functions are not functions that the user is capable of performing (as the Examiner states),

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and the message "maintain display in color mode" does not even appear to be a particular function to be performed but rather to simply be a passive action. More importantly, the Gettemy patent clearly does not display a graphical depiction of at least one step for activating the particular function (selected by the user) on a display device of the apparatus. In Gettemy, accepting the arguments presented by the Examiner, it is the "functions" that are displayed, not steps for activating a particular selected function. In this regard, the two "functions" to which the Examiner has referred cannot be both "functions" and "a graphical depiction of at least one step for activating said particular function" (selected by the user).

In the Response to Arguments section, the Examiner has contended that placing "a display device into a monochrome mode" and "plugging a device into dock/charger" are "both functions that a user is capable of implementing on a device." It is respectfully submitted that, for example, with respect to the "plugging" function, there is no presentation of this function in a list of functions, no receiving of a solution of this function and no graphical depiction of at least one step in activating this function after the function is selected. To the extent that Gettemy actually teaches this function, the user simply performs the function and the sequence of steps just enumerated are not performed. Hence, withdrawal of the rejection of claim 8 is respectfully solicited.

Claims 3, 6, 16, 20, 21, 23-27 and 29 have been rejected under 35 USC 103(a) as being "unpatentable over Gettemy and Kim." This rejection is respectfully traversed.

In the lines of the Kim patent to which reference has been made in the Office Action, Kim provides for displaying a pictorial image on a screen "in either the state the input video signal has been disabled or the state where the video signal has been connected from an external computer system." It is respectfully submitted that there is no teaching in the Kim patent of providing a pictorial depiction of a solution to correcting these problems. This is evident from the lines cited in the Office Action as well as the "display exhibits" shown on the screens depicted in Figures 3A-3C. In this regard, Figure 3A shows a display which is designed "to illustrate, collectively or separately, the chromaticity and entirety of each video component colors red R, green G and blue B" while Figure 3B shows "a display of a cross-hatched type designed for adjustment of a preset video mode" wherein "such parameters as convergence or

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linearity characteristics of a CRT are provided, such that information about the CRT regarding this mode can be identified by the viewer" and in Figure 3C "a plurality of messages required for an initial setting up of a video display screen are displayed in a sequential manner." In the latter case, Kim provides that these messages can include "a message representing no connection between cable connector and a cable of external system" but, clearly, no solution is displayed.

In the Response to Arguments section, the Examiner states that column 1, lines 55-56, and other passages of the Kim patent teach " a video display capable of self diagnosis, wherein several pictorial representations are displayed on the screen to show the user whether the monitor is connected or disconnected so as to show the user the cause of the lack of picture similar to the teaching of Gettemy, where the lack of picture could be because of a lack of a connection between a signal cable and cable connector while in another part of the Response to Arguments section, the Examiner similarly contends that this passage teaches "a self diagnostic video display wherein pictorial images are displayed providing the user with system state information to and in fixing the problems." As indicated above, Kim, at best, discloses that the messages provided include "a message representing no connection between cable connector and a cable of external system" and Kim clearly does not provide for any display of a solution. Displaying the problem is simply not the same thing as displaying the solution.

With respect to independent claims 20 and 26, claim 20 recites, inter alia, "means for displaying on the display a pictographical solution for providing a proper connection with said connector in the event that said detecting means detects that a proper connection is not made with said connector" while claim 26 recites "means for displaying on the display an iconographical depiction for providing a user with a solution with which the user can cause a proper connection to be made with said connector." In rejecting claim 20, for example, the Examiner acknowledges that Gettemy does not teach "the determined fault being of whether a connection is made with a connector and displaying a pictorial solution providing should it be detected that a proper connection is not made." This statement of what is claimed in claim 20 may simply involve an inadvertent omission but, as pointed out in the last response, it is important to note that the recitation in question in claim 20 refers to providing a solution with which the user can cause a proper connection to be made, something that simply is not disclosed

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by either Gettemy or Kim. It appears that the Examiner has not addressed this issue and has simply repeated the incorrect statement of what is being claimed.

With respect to the rejection of claim 22 and the rejection of claim 5 which rely on the Petty patent, while Petty discloses an apparatus wherein a plurality of status icons is selected and subsequently displayed for a predetermined time period, there is simply no teaching in Petty with respect to providing a graphical display for correcting a fault condition. In this regard, Petty, at best, teaches the provision of a "battery status icon 41" but, again, a simple indication of the state of the battery is not a graphical display of a solution to the problem much less a solution which is capable of completely eliminating the fault condition.

Further, the contention by the Examiner in the Response to Argument section "that that Petty teaches graphical depiction of a fault condition is displaying a battery on the display with a correspondingly low graphic depiction of a battery strength" merely begs the question. Thus, claims 5 and 22 are patentable for at least the reasons set forth above in support of the patentability of the claims parent thereto.

Claim 7 has been rejected under 35 U.S.C. § 103 as unpatentable over Gettemy, Kim and Friesen. This rejection is respectfully traversed.

The Friesen patent merely discloses a microcomputer system with color coded components. This teaching is characterized in the Office Action as being of "color-coded cables being plugged into color-coded ports." It is respectfully submitted that there mere fact that "color-coded cables have been plugged into color-coded ports" in the prior art (something that Applicant freely admits) is not teaching of the subject matter of claim 7, i.e., there is no teaching in any of the references which would lead to providing a graphical depiction of a color-coded monitor cable being plugged into a color-coded connector, as claimed in claim 7. Given the actual teachings of Friesen and the other references the rejection here is clearly the improper product of hindsight. Accordingly, claim 7 is allowable for this reason as well as the reasons set forth above in support of parent claim 1.

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Moreover, with respect to the contention in the Response to Arguments section that the "combination of these references is obvious, given the similar depictions of fault solutions of Gettemy and Kim, and further the use of color-coded motor cables of Friesen, for a display similar to that of Kim," it is respectfully submitted that this conclusion does not follow from the actual teachings of the references, for the reasons discussed above. Moreover, Friesen does not display the cables and simply has nothing to do with the teachings of the other two references. In this regard, any similarities between the Friesen display and "that of Kim" are limited to both being displays and are completely superficial insofar as the claimed invention is concerned. Thus, again, it is respectfully submitted that the proposed combination is necessarily the improper product of hindsight.

Allowance of the application in its present form is respectfully solicited.

Respectfully submitted,

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